

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development

BOARD AGENDA # *D-2

Urgent

Routine

AGENDA DATE May 24, 2011

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Set a Public Hearing for June 14, 2011 at 9:05 A.M. to Consider Lot Line Adjustment Application No. 2010-26 and Williamson Act Cancellation Application No. 2010-03, Garner

STAFF RECOMMENDATIONS:

1. Set a public hearing for June 14, 2011 at 9:05 a.m. to consider approval of Lot Line Adjustment Application No. 2010-26 and Williamson Act Cancellation No. 2010-03, Garner.
2. Authorize the Clerk of the Board to publish notice of hearing as required by law.

FISCAL IMPACT:

There is a nominal fiscal impact associated with setting the public hearing for mandatory newspaper publishing and notification of property owners by mail. These expenses are covered by a portion of the application fee.

BOARD ACTION AS FOLLOWS:

No. 2011-323

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

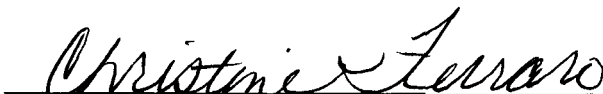
1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Set a Public Hearing for June 14, 2011 at 9:05 A.M. to Consider Lot Line Adjustment Application No. 2010-26 and Williamson Act Cancellation Application No. 2010-03, Garner
Page 2

DISCUSSION:

This is a request to set a public hearing to consider approval of a Williamson Act Cancellation and Lot Line Adjustment Application. The lot line adjustment request will allow parcel lines of two parcels totaling 18.75 acres to adjust from 0.05 and 18.70 acre parcels to 1.0 and 17.75 acre parcels. The parcels are both zoned A-2-40 (General Agriculture) and located on the southwest corner of Lone Tree and Valley Home Roads (APNs: 002-010-013 and 014).

The lot line adjustment cannot be approved without cancelling a portion of Williamson Act Contract No. 75-2011; which currently covers the existing 18.7 acre parcel and will be cover a portion of the proposed 1.0 acre parcel. The proposed 1.0 acre parcel cannot be covered by a Williamson Act Contract, since it is less than the 10 acre minimum requirement for enrollment in a Williamson Act Contract.

Both existing parcels are improved with one-single family dwelling each; however, the 0.05 acre parcel does not receive water from an on-site well. The property owners wish to adjust the lot lines to allow a 1.0 acre parcel with enough on-site area for both a well and septic system. Today's minimum lot size standards requires one (1) acre when a home is being served by both private well and septic.

In order for a Williamson Act contract to be canceled, the Board of Supervisors must hold a public hearing on the request and make the necessary findings as required by State law, the County's Williamson Act Uniform Rules, and the contract itself.

This item requests to set the date and time for a public hearing on the proposed contract cancellation.

POLICY ISSUES:

Setting the public hearing to consider the lot line adjustment and Williamson Act cancellation is consistent with the Board's priority of Efficient Delivery of Public Services.

STAFFING IMPACT:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Kirk Ford, Planning and Community Development Director. Telephone: (209) 525-6330.

NOTICE OF PUBLIC HEARING FOR
LOT LINE ADJUSTMENT APPLICATION NO. 2010-26 AND
WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION
NO. 2010-03, GARNER

NOTICE IS HEREBY GIVEN that on June 14, 2011, at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to consider a request to adjust parcel lines from 0.05 and 18.70 acres to 1.0 and 17.75 acre parcels. There is a Williamson Act Contract Cancellation application for the 1.0 acre parcel since it is less than the 10 acre minimum requirement to be enrolled in a Williamson Act Contract. The property is zoned A-2-40 (General Agriculture) and is located on the southwest corner of Lone Tree and Valley Home Roads in the Valley Home area. The project is CEQA exempt.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 24, 2011

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY:


Elizabeth A. King, Assistant Clerk



BOARD OF SUPERVISORS

2011 JUN -31 P 2:091

June 3, 2011

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, June 14, 2011**, starting at **9:05 A.M.** in the Joint Chambers, 1010 10th Street, Basement Level, Modesto, California, to consider the following:

LOT LINE ADJUSTMENT APPLICATION NO. 2010-26 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2010-03 - GARNER - Request to cancel a 0.95 acre portion of Williamson Act Contract No. 75-2011 and adjust the lot lines on two parcels from 0.05 and 18.70 acres to 1 and 17.75 acres in the A-2-10 (General Agriculture) zoning district on the southwest corner of Lone Tree and Valley Home Roads (12961 Valley Home Road and 4636 Lone Tree Road), in the Valley Home area. The Williamson Act Cancellation is required in order to adjust the lot lines.

The property is further identified as Assessor's Parcel Nos. 002-010-013 & 014

This project is exempt from CEQA.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

Materials submitted to the Board of Supervisors for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors, at or prior to, the public hearing.

For further information, please call (209) 525-6330, or email: planning@mail.co.stanislaus.ca.us.

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that: I am employed in the County of Stanislaus, California.

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building
Department of Planning & Community Development
1010 10th Street, Suite 3400
Modesto, CA 95354

On June 3, 2011, I served the attached Notice of Public Hearing:
(Date)

LOT LINE ADJUSTMENT APPLICATION NO. 2010-26 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2010-03 - GARNER on the parties listed below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on June 3, 2011, at Modesto, California.
(Date)

Crystal D Rein
(Type or print name)


Signature

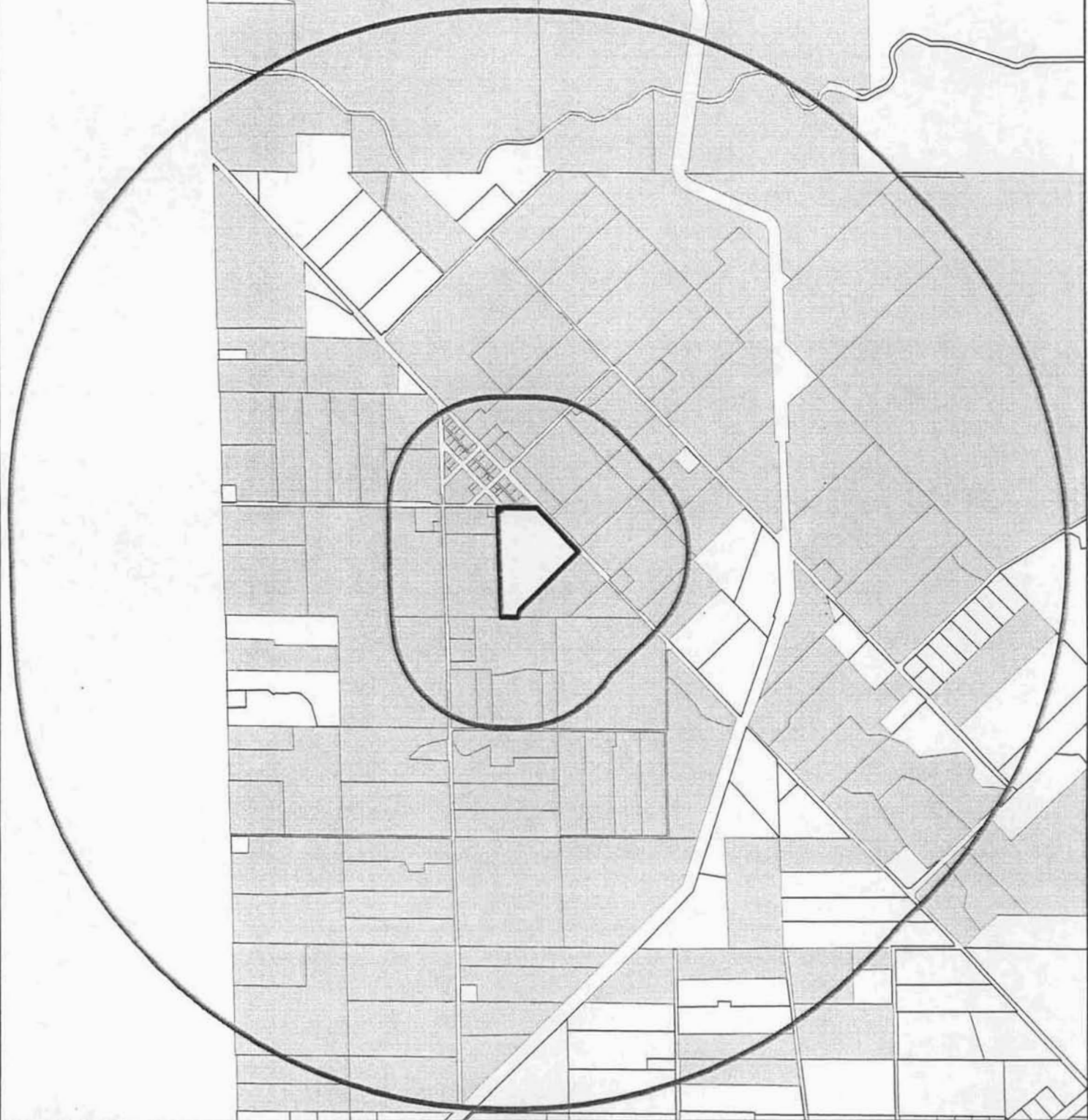
LOT LINE ADJUSTMENT APPLICATION NO. 2010-26 AND WILLIAMSON ACT CANCELLATION APPLICATION NO. 2010-03 - GARNER

Attachment A

Distribution List

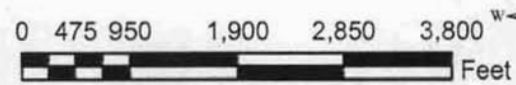
X	AGRICULTURE COMMISSIONER		NATURAL RESOURCES CONSERVATION
	AIRPORT LAND USE COMMISSION	X	PACIFIC GAS & ELECTRIC
	ALLIANCE	X	PARKS & FACILITIES
	ANIMAL SERVICES		POSTMASTER:
X	BUILDING PERMITS DIVISION - STEVE TREAT	X	PUBLIC WORKS - ANGIE HALVERSON
	CAL TRANS DISTRICT 10	X	PUBLIC WORKS - DAVID LEAMON
	CEMETERY DISTRICT		RAILROAD
	CENTRAL VALLEY FLOOD PROTECTION		REDEVELOPMENT
X	CHIEF EXECUTIVE OFFICE		REGIONAL WATER QUALITY CONTROL
	CITY OF:		RISK MANAGEMENT
	COMMUNITY SERVICES AGENCY (CSA)		SAN JOAQUIN VALLEY APCD
	COMMUNITY SERVICES / SANITARY DIST	X	SCHOOL DIST 1: VALLEY HOME
X	COOPERATIVE EXTENSION	X	SCHOOL DIST 2: OAKDALE
	CORPS OF ENGINEERS	X	SHERIFF
X	COUNTY COUNSEL		StanCOG
	COUNTY OF:	X	STAN CO ERC
X	DEPARTMENT OF CONSERVATION Land Resources (cert.)	X	STAN CO FARM BUREAU
	DEPT OF FORESTRY	X	STANISLAUS FIRE PREVENTION BUREAU
X	ENVIRONMENTAL RESOURCES	X	STATE CLEARINGHOUSE
X	FIRE PROTECTION DIST: OAKDALE		STATE LANDS COMMISSION
	FISH & GAME	X	SUPERVISOR DIST 1: O'BRIEN
X	HAZARDOUS MATERIALS	X	SURROUNDING LAND OWNERS (on file w/the Clerk to the Board of Supervisors)
	HOSPITAL DIST:	X	TELEPHONE COMPANY: AT&T
X	IRRIGATION DIST: OAKDALE		TRIBAL CONTACTS
X	LAFCO		TUOLUMNE RIVER TRUST
	MOSQUITO DIST:		UNITED STATES MILITARY AGENCIES (SB 1462) (5 agencies)
X	MOUNTAIN VALLEY EMERGENCY MEDICAL SERVICES		US FISH & WILDLIFE
X	MUNICIPAL ADVISORY COUNCIL: VALLEY HOME		WATER DIST:

GARNER
LLA 2010-26, WAC 2010-03
APN: 002-010-013 & 002-010-014



LANDOWNER NOTIFICATION AREA

MAY 25, 2011



PROOF OF PUBLICATION

(2015.5 C. C. P.)

STATE OF CALIFORNIA,

County of Stanislaus

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of twenty-one years, and not a party to or interested in the above entitled matter. I am the principal clerk of THE OAKDALE LEADER, 122 South Third Avenue, Oakdale, California, a newspaper of general circulation, published in Oakdale, California in the City of Oakdale, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation, by the Superior Court of the County of Stanislaus, State of California. That the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

all in the year June 1 2011.

I certify or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Oakdale,

California, this day, 1ST June, 2011.



Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

NOTICE OF PUBLIC HEARING

NO. 2010-03, GARNER

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING FOR
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WILLIAMSON ACT CONTRACT CANCELLATION APPLICATION
NO. 2010-03, GARNER

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BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 24, 2011

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY: Elizabeth A. King, Assistant Clerk

JUNE 1, 2011

OL#11-235